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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ALICIA HARRIS, as an individual and on
12 behalf of all others similarly situated,

13 Plaintiffs,

14 vs.

15 VECTOR MARKETING
16 CORPORATION, a Pennsylvania
corporation; and DOES 1 through 20,
17 inclusive,

18 Defendants.
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No.: CV 08-5198 EMC

**STIPULATION AND [PROPOSED]
ORDER RE PHONE RECORDS**

1 Plaintiff Alicia Harris (“plaintiff” or “Harris”) and Defendant Vector Marketing
 2 Corporation (“defendant” or “Vector”) enter into this stipulation with reference to the
 3 following facts:

4 **RECITALS**

5 A. On or about March 20, 2010, Vector served plaintiff’s mother, Lynette
 6 Harris (“L. Harris”), with a subpoena to testify at a deposition on April 2, 2010 and
 7 further requested the production of, among other things, L. Harris’ cell phone and
 8 landline telephone records for the period of June 28, 2008 through July 31, 2008.

9 B. Due to L. Harris’ representation of unavailability and for the convenience
 10 of the witness, on April 6, 2010, Vector renoticed the deposition of L. Harris to April
 11 21, 2010 and, accordingly, served, on counsel for L. Harris and plaintiff, a notice of
 12 deposition and subpoena to testify at a deposition, in addition to document requests
 13 relating to L. Harris’ cell phone and landline telephone records for the period of June
 14 28, 2008 through July 31, 2008.

15 C. In lieu of said production of L. Harris’ cell phone and landline telephone
 16 records at the April 21, 2010 deposition, plaintiff represents that, for purposes of this
 17 litigation, she will not assert or claim that she utilized L. Harris’ cell phone or landline
 18 telephone in connection with providing services as a Sales Representative of Vector.

19 **STIPULATION**

20 NOW, THEREFORE, it is hereby stipulated by the parties, through their
 21 respective counsel of record, as follows:

22 1. In connection with any discovery responses or pleadings served and/or
 23 filed in this action or any proceeding related to this action, including, but not limited
 24 to, testimony at trial, oral or written arguments made by counsel, memorandum of
 25 points and authorities, declarations, affidavits, written discovery responses, or any
 26 other oral or written representation made by the parties, neither Harris nor Vector will
 27 elicit or introduce any evidence or represent, assert, or claim that plaintiff used any of
 28

1 L. Harris' cell phones or landline telephones in providing services as a Sales
2 Representative of Vector.

3 IT IS SO STIPULATED.

4 Dated: April 22, 2010

REED SMITH LLP

5
6 By /s/
7 John P. Zaimes
8 Attorneys for Defendant
9 VECTOR MARKETING CORPORATION

10 Dated: April 22, 2010

Diversity Law Group

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12 By /s/
13 Larry W. Lee
14 Attorneys for Plaintiff
15 ALICIA HARRIS

16 **ORDER**

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18 Based on the above stipulation, IT IS SO ORDERED.

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20 Dated: 4/30, 2010

21 Honorable Ed
22 United States District Judge

